

SUSTAINABILITY FROM PLAN TO PROJECT

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Topics

- ▣ Sources of National Forest Projects
- ▣ Role of Forest Plan in Project Design
- ▣ NEPA Process
 - Scoping
 - Environmental Analysis
 - Public Comment
 - Decision
 - Administrative Appeals and Objections
- ▣ Requirements of Other Laws

Sources of Projects



From Land Management Plans

- Habitat Restoration
- Fuel Treatment
- Other USFS Developments



Outside-Proponent Driven

- Utilities
- Developments
- Mining



Off-Forest/Federal Nexus

- Restoration Projects
- Fuel Treatment

Projects from Plans = Desired vs. Existing Condition

- ▣ Fundamental Building Blocks of Plans are the Land Allocations and Desired Conditions as applied to the Forest landscape.
- ▣ Projects are identified by comparing existing condition to desired condition.
 - Sierra Nevada example:

Land Allocation	Desired Condition	Existing Condition	Proposal
Old Forest Emphasis Area	Resembles pre-settlement composition and structure,.....	Dense undergrowth, high number of shade tolerant species...	Thin from below XX acres
Wildland Urban Intermix : Defense Zone	Open stands dominated by larger fire tolerant trees,	Heavy fuel load, ladder fuels, mixed conifer, Cond. Cl. 2 or 3....	Thin, prune, remove dead material

Plan Standards and Guidelines assure sustainability –examples:

- ▣ Mechanical Thinning in Sierran Forests
 - Retain all live conifers over 30" DBH.
 - Retain at least 40% of existing basal area comprised of largest trees.
 - Retain 5% or more of total treatment area in lower layers composed of trees 6-24" DBH within treatment unit.
- ▣ Hardwood Management in Sierran Forests
 - Where possible create openings around existing CA black oak and canyon live oak to stimulate regeneration.
 - Retain the mix of mast-producing species within a stand.

Note: There are over 124 Standards and Guidelines for Sierran Forests

Standards and Guidelines address sustainability for the full range of forest resources including:

- ▣ Maintain and enhance habitat for Threatened, Endangered and sensitive species (e.g. fisher, CA spotted owl, goshawk, yosemite toad, others)
- ▣ Prevent spread of invasive plants
- ▣ Sustain bog and fen areas
- ▣ Sustain a continuous supply of snags and live decadent trees for wildlife across the landscape.
- ▣ Sustain stream channel physical complexity and stability (Coarse Woody Debris)
- ▣ Maintain and restore hydrologic connectivity.

All projects must undergo the NEPA process

NEPA

- ▣ Categorical Exclusion
- ▣ Environmental Assessment
- ▣ Finding of No Significant Impact
- ▣ Environmental Impact Statement
- ▣ Record of Decision

CEQA

- ▣ Categorical Exemption
- ▣ Initial Study
- ▣ Negative Declaration
- ▣ Environmental Impact Report
- ▣ Notice of Determination

NEPA Process

1. **Scoping**: project proposal is shared with public and other agencies to determine issues/concerns and scope of effects.
2. **Environmental Analysis**: to reveal the type and degree of environmental impact and examine alternatives and mitigation measures.
3. **Public Comment on Draft**: (EAs and EISs): to seek ideas and suggestions for improving the project and analysis.
4. **Final EA/EIS and Decision**: official announcement of decision and opportunity to appeal.
5. **Appeal Process**: Opportunity for public to protest the decision and present their issues to next level supervisor.

How Appeals Work

- ▣ The opportunity to appeal is written in law under the Appeals Reform Act.
- ▣ Following a NEPA decision, the public has a 45-day appeal filing period to submit reasons why the decision should be withdrawn or changed.
- ▣ Following this 45-day appeal period, the Forest Service has another 45 days to decide the merits of the appeal.
- ▣ Appellants are encouraged to resolve their issues directly with the deciding official within the first 15 days following the appeal filing period.
- ▣ No project can be implemented until the appeal is resolved.
- ▣ Decisions are either reversed or affirmed by the appeal deciding officer.
- ▣ When decisions are affirmed, project implementation is stayed an additional 15 days.
- ▣ Potential plaintiffs in lawsuits must first appeal the decision (exhaust administrative remedies) before a court will hear their case.

Compliance with Other Laws

- ▣ National Forest Management Act – project must comply with Forest Plan direction.
- ▣ Endangered Species Act – project must minimize effects and comply with terms and conditions required by US Fish and Wildlife Service
- ▣ National Historic Preservation Act – must protect cultural resource and comply with requirements of State Historic Preservation Officer.
- ▣ Clean Water Act – must protect water quality and comply with requirements of State Regional Water Quality Control Boards
- ▣ Clean Air Act – must protect air quality and comply with requirements of State Air Resources Board.
- ▣ Wilderness/Wild and Scenic Rivers Acts – mandates protection of these areas.

Projects Must Adhere to a Variety of Executive Orders relating to:

- ▣ **Indian Sacred Sites**, Executive Order 13007, 1996
- ▣ **Invasive Species**, Executive Order 13112, 1999
- ▣ **Recreational Fisheries**, Executive Order 12962, 1995
- ▣ **Migratory Birds**, Executive Order 13186, 2001
- ▣ **Floodplain Management**, Executive Order 11988, 1977
- ▣ **Protection of Wetlands**, Executive Order 11990, 1977
- ▣ **Environmental Justice**, Executive Order 12898, 1994
- ▣ **Use of Off-Road Vehicles**, Executive Order 11644, 1972